

Application No. 09/605,695
Amendment dated November 13, 2007
Reply to Office Action of August 10, 2007

REMARKS

Applicant cancelled claims 5, 13, 18, and 28 without prejudice or disclaimer of their subject matter, amended independent claims 1, 9, 17, 22, 27, and 29 and dependent claims 4, 6, 7, 12, 14, 15, 19, 20, 38-40, and 42, and added new claims 44-49 to further define Applicant's claimed invention. Support for the amendments to claims 1, 9, 17, 22, 27, and 29 and for new claims 44-49 can be found in the specification at least on page 8, lines 1-10, paragraph bridging pages 8 and 9, paragraph bridging pages 9 and 10, and page 12, line 21 through page 13, line 8. No new matter has been added.

In the Office Action, the Examiner rejected claims 1-7, 9-15, 17-20, 22, 23, 27-31, and 38-43 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,892,900 to Ginter ("Ginter") in view of U.S. Patent No. 5,848,396 to Gerace ("Gerace").

Independent claims 1 and 9, as amended, recite systems for targeting media objects to a plurality of users comprising collecting content use information generated by user interaction with a media object by the users, "the content use information not being correlated with any attribute of said users," a coding system correlating or assigning "the content use information . . . not correlated with any attribute of said users" with or to a media object, and creating a media object profile "not including any attribute of said users."

Independent claims 17 and 27, as amended, recite methods for targeting media objects to a plurality of users comprising gathering or collecting content use information from user interaction with the user requested media object "without correlating the content use information with any attribute of said users," assigning or correlating the content use information "not correlated with any attribute of said users" to or with a media object, and creating a media object profile "not including any attribute of said users."

Independent claim 22, as amended, recites a smart media object comprising "a media object profile portion containing content use information gathered from user interaction with said media object portion by said users, the content use information not being correlated with any attribute of said users, said media object profile portion not including any attribute of said users."

Independent claim 29, as amended, recites "collecting content use information from user interaction with Internet links by said users without correlating the content use

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information with any attribute of said users," correlating the collected information "not correlated with any attribute of said users with at least one Internet link," and creating an "Internet link profile not including any attribute of said users." Ginter and Gerace, taken alone or when properly combined, do not disclose or suggest such systems and methods as recited in Applicant's claimed invention.

Ginter teaches that "[r]eporting of usage information and user requests can be used for supporting electronic currency, billing, payment and credit related activities, and/or for user profile analysis and/or broader market survey analysis and marketing (consolidated) list generation or other information derived, at least in part, from said usage information." (col. 36, lines 28-34). Thus, Ginter discloses profiling a user and either analyzing content usage correlated with a user profile (i.e., user attributes) or analyzing a user profile based on user attribute and usage requests.

Gerace teaches that "[a]dvertisement module 75 holds sponsor information and their advertisements, with a target audience profile indicated for each advertisement." (col. 4, lines 43-45). In Gerace, "[s]pecific to desired ads, each sponsor has one or more Ad Series Objects 33c," which "provides an indication . . . of the demographic group pre-requested by the sponsor to be shown that advertisement." (col. 12, lines 22-27). Gerace further teaches that "program 31 tracks demographic and/or psychographic criteria of users who view ('hit') and/or select (i.e., 'click through') advertisements," and "performs a traditional regression analysis of the tracked criteria . . . to determine the weight of each criteria." (col. 15, lines 25-35). In Gerace, subroutine 31 collects activity information of users with known demographic attributes and generates performance reports that include "demographic breakdown of success with respect to a control group" and "ad success by the sponsor-targeted demographic groups." (See col. 11, line 57 through col. 13, line 32; FIG. 3A). Thus, Gerace specifically discloses gathering content use information (hits and click throughs) and correlating the gathered content use information with user attributes (i.e., demographic and/or psychographic criteria) to run a regression analysis of the tracked user attributes to see what demographic "characteristics are important, and who (type of user profile) the ad appeals to most." (col. 18, lines 16-18).

Applicant respectfully disagrees with the Examiner's contention that "Gerace disclose [sic] tracking user activity/content use related to a media object and "this user

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activity information that Gerace tracks is without any attribute of said users." (Office Action, page 29). Applicant submits that the content use information tracked in Gerace is not simply a number of anonymous clicks throughs and purchases, but a collection of hits, click throughs and purchases correlated with demographic attributes of the users who make those hits, click throughs and purchases. If the system of Gerace simply tracked hits, click throughs, and purchases without correlating them with demographic attributes of the users who clicked on the ad or purchased the product, program 31 would not be able to run a regression analysis to determine which user profiles the ad appeals to most, rendering Gerace unsuitable for its intended purpose.

Moreover, Applicant respectfully disagrees with the Examiner's contention that it would have been obvious "that Gerace does not need to include additional media object related information such as user attribute information." (Office Action, pages 29-30). Gerace specifically teaches that each Advertisement Module 75 and each Sponsor Object 33 (in Ad Series Objects 33c) of Gerace include demographic attributes of target users. (See Gerace, col. 4, lines 43-45; col. 12, lines 22-27). If the media object profile supplied by the Ad Sponsor in Gerace did not include demographic attributes of the target users, the system of Gerace would not know which users should and should not be presented with the ad, and the invention would be unfit for its intended purpose.

Applicant submits that even if Ginter and Gerace were combined as proposed by the Examiner, the proposed combination would not disclose or suggest all of the recitations of independent claims 1, 9, 17, 22, 27, and 29, as amended. It is submitted that independent claims 1, 9, 17, 22, 27, and 29 are allowable over the cited references, and that dependent claims 2-4, 6, 7, 10-12, 14, 15, 19, 20, 23, 30, 31, and 38-49, dependent from one of independent claims 1, 9, 17, 22, 27 and 29, or claims dependent therefrom, are patentable at least due to their dependency from an allowable independent claim.

In view of the foregoing remarks, Applicant submits that the claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

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To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1068.

Respectfully submitted,

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